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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,942	03/31/2004	Kenneth P. Hinckley	003797.00819	4918

28319 7590 10/28/2004

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EXAMINER

OSORIO, RICARDO

ART UNIT

PAPER NUMBER

2673

DATE MAILED: 10/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/812,942

Applicant(s)

HINCKLEY ET AL.

Examiner

RICARDO L OSORIO

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10-25-2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

a. A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Gillick et al. (5,530,455).

Regarding claims 1, 3, 4, 7, 9, 10, 13, 14, 16, 20, 29, and 33, Gillick teaches of a system, or method, or computer readable medium storing computer readable instructions, for controlling navigation of a data file, or scrolling of a display of a data processing system (col. 3, lines 21-32), comprising an input device (Fig. 1, reference character 10) having a user-actuated input mechanism for generating signals representative of input events comprising a rotational wheel (Fig. 1, element number 24); detection means for detecting the rotational speed of said rotational wheel, or a current rate of user actuation of a scroll control input mechanism that generates signals causing the data processing system to scroll information displayed on the display (col. 5, lines 27-33); determination means for determining a plurality of display scroll rates representing a navigation amount, based a direction and on the current rate of user actuation, per input event as an increasing exponential function of the detected rotational speed based on a default unit of scrolling, or on the current rate of user actuation (col. 7, lines 29-55); and output means for outputting control signals indicative of said scroll, or navigation, rate (col. 5, lines 34-36).

Regarding claims 2, 8 and 17, Gillick teaches that said determination means, or step, rounds the scroll rate, or data file navigation rate, up to a predetermined level when the scroll rate would otherwise be less than the predetermined level (col. 13, lines 1-6).

Regarding claims 5, 11, and 18, further, Gillick, teaches of the system, or, step, being adapted to monitor a direction of rotation of the rotational member, and when the direction of rotation of the rotational member changes, the scroll rate is fixed at a default value for a predetermined amount of time (col. 8, lines 38-48, and col. 9, lines 10-19).

Regarding claims 6, 12, and 19, further, Gillick, teaches of the system, or, step, being adapted to monitor a direction of rotation of the rotational member, or scroll control input mechanism, and wherein a first exponential function is used when scrolling in a first direction and a second exponential function, different from said first exponential function, is used when scrolling in a second direction (col. 7, lines 50-54, col. 8, lines 38-48, and col. 9, lines 10-19. It is inherent that accelerating, or varying the speed, in opposite directions will require different exponential functions).

Regarding claim 15, further, Gillick teaches of receiving a first scroll event resulting from user actuation of the scroll control input mechanism (col. 7, lines 48-50); receiving an immediate next scroll event resulting from user actuation of the scroll control input mechanism (col. 7, lines 50-51); and determining an amount of time lapsed between the first and next scroll events, wherein determining the scroll rate representing a navigation amount is based on the amount of time (col. 7, lines 50-54).

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Regarding claim 21, further, Gillick teaches of detecting a first scroll input event caused by a user of a multidirectional input device (col. 7, lines 48-50); detecting a second scroll input event caused by the user of the multidirectional input device (col. 7, lines 50-51); determining a rate of user actuation of the multidirectional input device by measuring an amount of time between the first scroll input event and the second scroll input event (col. 7, lines 51-52); and determining a scroll rate based on the measured amount of time, said scroll rate representing an amount of scrolling to be performed based on the second input event (col. 7, lines 50-54).

Regarding claim 22, further, Gillick teaches of detecting a third scroll input event caused by the user of the multidirectional input device (col. 7, lines 50-51); determining a new rate of user actuation of the multidirectional input device by measuring an amount of time between the second scroll input event and the third scroll input event (col. 7, lines 51-52); and determining a new scroll rate based on the measured amount of time between the second and third scroll input events, said new scroll rate representing an amount of scrolling to be performed based on the third input event (col. 7, lines 50-54).

Regarding claim 23, see claims 6, 12 and 19, above.

Regarding claim 24, see claims 2, 8 and 17, above.

Regarding claim 25, further, Gillick teaches of the scroll rate comprising a line scroll rate (see col. 7, lines 34-37).

Regarding claim 26, further, see claims 6, 12 and 19, above.

Regarding claim 27, further, Gillick teaches of scrolling an amount directly based on a current speed with which a user actuates a multidirectional input device (col. 4, lines 53-54).

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Regarding claim 28, further, Gillick teaches of scrolling a vertical amount based on a current velocity of a multidirectional input device actuated by a user of the multidirectional input device (col. 4, lines 53-54).

Regarding claim 30, see claims 6, 12, 19 and 23, above.

Regarding claim 31, see claims 2, 8, 17 and 24, above.

Regarding claim 32, see claims 5, 11 and 18, above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ricardo L. Osorio whose telephone number is 703 305-2248. The examiner can normally be reached on Monday through Thursday from 7:00 A.M. to 5:30 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala whose telephone number is 703 305-4938.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

703 872-9306 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ricardo L. Osorio

Examiner

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RLO

October 25, 2004